

**CALIFORNIA COASTAL COMMISSION**

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**Th22a**

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## APPEAL STAFF REPORT - SUBSTANTIAL ISSUE

**Appeal number.....A-3-SCO-03-032, Royan SFD**

**Applicant.....Patrick & Teresa Royan**

**Appellants.....Ralph Oswald and E. James Young**

**Local government .....Santa Cruz County**

**Local decision.....Approved with Conditions (February 12, 2003)**

**Project location.....Vacant property at 531 Beach Drive (on the seaward/sandy beach side of Beach Drive) in the Aptos-Rio del Mar area of south Santa Cruz County.**

**Project description.....Construct a two-story, roughly 5,000 square foot, single family residence founded on drilled piers (approximately 2,400 square foot habitable space on 2nd floor, and roughly 2,600 non-habitable space on ground floor for garage and storage). The project requires variances to LCP requirements to increase the allowed number of stories from one to two, and to increase the allowed maximum height from 17 feet to 22 feet in response to LCP flood elevation requirements.**

**File documents.....Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County CDP Application File 01-0022.**

**Staff recommendation ....No Substantial Issue**

**Summary of staff recommendation:** Santa Cruz County approved a proposal to construct a two-story, 22-foot tall, approximately 5,000 square foot residence of which the lower half would be non-habitable garage and storage space (due to LCP flood elevation requirements) on a vacant residential lot located on Beach Drive in the Aptos-Rio Del Mar area. Beach Drive is a pre-Coastal Act residential subdivision built along the base of the shoreline bluff. The Appellants contend that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved; the variances are also raised as an issue.

The County-approved project is similar in size, scale, and design to existing residential structures along this stretch of Beach Drive. Because the LCP requires habitable space to be elevated above the 21 foot mean sea level (msl) 100-year flood elevation, the variances are necessary to allow one story of habitable space above 21 foot msl; development in this beach-fronting location would not be possible otherwise.



**California Coastal Commission**

July 2003 Meeting in Petaluma

Staff: D.Carl Approved by:

A-3-SCO-03-032 Royan stf rpt 7.10.2003.doc

The incremental impact of this structure on the public beach viewshed would be negligible because it is in-fill development between existing residences along a stretch of back beach already fronted by a seawall, a revetment, and residential development.

Thus, Staff recommends that the Commission find that no substantial issue exists with respect to this project's conformance with the certified LCP, and that the Commission decline to take jurisdiction over the coastal development permit for the project.

The most important issue raised by the appeal is that the LCP includes internally inconsistent policies and standards for development along Beach Drive. The LCP requires 1-story development and a maximum height of 17 feet in this location. It also requires, though, that habitable space be elevated above the 100-year flood elevation to provide long term safety in this hazardous area at the base of the coastal bluffs. These two policies create a catch-22 for applicants and approving bodies because they cannot both be met. Although the variances approved in this case are relatively minor (raising the height of the structure by 5 feet), and do not raise a substantial LCP conformance issue in this specific case, this issue may be more difficult to address in future development projects along Beach Drive.

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# 1. Appeal of Santa Cruz County Decision

## A. Santa Cruz County Action

Santa Cruz County approved this proposed project subject to multiple conditions on February 12, 2003 (see exhibit C for the County's adopted staff report, findings and conditions on the project). The County's approval was by the Planning Commission following an appeal of the Zoning Administrator's original approval. The current Appellants in this matter before the Commission are the same persons who appealed the Zoning Administrator's decision to the Planning Commission, and are the owners of the properties on either side of the subject vacant lot. The Planning Commission's approval was not appealed locally (i.e., to the Board of Supervisors).<sup>1</sup>

Notice of the Planning Commission's action on the coastal development permit (CDP) was received in the Coastal Commission's Central Coast District Office on February 28, 2003. The Coastal Commission's ten-working day appeal period for this action began on March 3, 2003 and concluded at 5pm on March 14, 2003. One valid appeal (see below) was received during the appeal period.

## B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located seaward of the first public road, it is immediately adjacent to the beach, and just seaward of the bluffs.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is

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<sup>1</sup> Normally local appeals must be exhausted before an appeal can be made to the Coastal Commission. In Santa Cruz County's case, the appeals process is that Zoning Administrator decisions can be appealed to the Planning Commission, and Planning Commission decisions can be appealed to the Board of Supervisors (and the Board can also independently elevate an item to the Board for consideration). However, because Santa Cruz County charges a fee for local coastal permit appeals, aggrieved parties can appeal lower decisions directly to the Commission. Since the appeal in this case is of a Planning Commission decision, the Appellants have availed themselves of the direct appeal route.



located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is so located and thus this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

### C. Appellants' Contentions

The Appellants' contend that the approved project is inconsistent with the LCP in four main areas: (1) the approved project is inconsistent with the goals of the LCP because of the variances approved; (2) there are on-site alternatives to the approved project that could avoid the use of variances (and could presumably be found consistent with the goals of the LCP); (3) the LCP requires that the project be compatible with the neighborhood, and the size and scale of the approved project is not compatible; and (4) the approved project would adversely impact public and private views. Thus, the appeal contentions can be distilled to a concern that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved. Please see exhibit D for the Appellants' complete appeal document.

### D. Previous Commission Action

Pursuant to Section 30621 of the Coastal Act, an appeal must be set for hearing no later than 49 days after the date on which the appeal is filed with the Commission (since this appeal was filed on March 14, 2003, the 49<sup>th</sup> day was May 2, 2003). The Commission opened and continued the substantial issue hearing on April 11, 2003.

## 2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

**Motion.** I move that the Commission determine that Appeal Number A-3-SCO-03-032 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

**Staff Recommendation of No Substantial Issue.** Staff recommends a **yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only



by an affirmative vote by a majority of the Commissioners present.

**Resolution to Find No Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-03-032 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

## Recommended Findings and Declarations

The Commission finds and declares as follows:

### 3. Project Description

#### A. Project Location

The proposed development is located along Beach Drive in the unincorporated Aptos-Rio del Mar area of Santa Cruz County. Beach Drive is not a through road, and is partially public (on the upcoast portion) and partially private, marked by a locked gate, on its downcoast side. The pre-Coastal Act Beach Drive road and mostly built-out residential development is located at the base of the coastal bluff on an area that was historically beach. The middle section of Beach Drive (i.e., up and down coast of the midpoint) enjoys through views of the beach and ocean, whereas the up and downcoast ends have a row of residential structures between the road and the beach. Shoreline armoring fronts the entire seaward side of the Beach Drive and the residences. The character of the residential stock is somewhat eclectic but mostly quite boxy. The structures on the seaward side of the road are quite large at its upcoast end, and generally smaller on the private downcoast end (past the locked gate). Just upcoast is Aptos Creek and State Parks' Seacliff State Beach unit, and just downcoast is Hidden Beach. See exhibit A for a location map and oblique air photos of the project area.

The proposed project is located on the private portion of Beach Drive. The Applicant's parcel extends from mean high tide inland across the road and includes a portion of the directly inland bluff. All told, the site measures approximately 19,000 square feet. An existing seawall, part of a continuous seawall spanning the residential properties here, bisects the site on the seaward side of the road. The area between the seawall and the Beach Drive right-of-way measures roughly 5,000 square feet, and it on this vacant and undeveloped portion of the property that the residence is proposed. The Appellants own the up and downcoast (respectively) neighboring properties developed with residences. The site is designated in the LCP Land Use Plan (LUP) as Urban Residential, Very Low Density, and zoned RB, Single-Family Ocean Beach Residential. Again, see exhibit A for map and photos of the site and surrounding area; see also pages 25 and 26 of exhibit E for close-up aerials of the site.

#### B. County Approved Project



The County approved a two-story, 22-foot tall, 5,014 square foot residence with a 612 square foot second floor cantilevered deck on the seaward side. The structure would be founded on deep pier caissons extending down into the Purisma bedrock below the sandy top layer of the site. The lower floor (2,629 square feet) is a non-habitable garage and storage area framed with break-away walls to allow for flooding in a 100-year storm surge pursuant to LCP regulations. The upper floor (2,385 square feet) is a 4-bedroom habitable residential area. The exterior finishes would include upper floor cedar siding, and lower floor siding and stucco. The deck would include a non-reflective glass railing.

See exhibit B for County-approved plans and exhibit C for the adopted County staff report, findings, and conditions approving the project. The Applicant and Appellants have also both prepared photo simulations of the proposed residential structure. The Applicant's photo simulations are on pages 1 and 2 of exhibit E, and the Appellants' photo simulations are on pages 6 through 8 of exhibit D.<sup>2</sup>

## 4. Substantial Issue Findings

### A. Policies Cited by Appeal

The Appellants do not cite any specific LCP policies in their appeal. Rather, the appeal refers to the project not meeting the goals of the LCP, not being compatible with the neighborhood, and having adverse view impacts. The Appellant also raises issues about the variances approved in this case (allowing for an increase from one to two stories, and a height increase from 17 to 22 feet), and that they don't conform to the LCP. Note that this variance contention could be read to mean both that variances are not allowed by the LCP, as well as the impacts of the variances (on LCP goals, compatibility, and views) is not consistent with the LCP. See exhibit D for the Appellants' complete appeal document.

Thus, the appeal contentions can be distilled to a contention that the approved project would be incompatible with the neighborhood's built environment and would adversely impact private and public views due to the mass, scale, and design approved. LCP "goals" are inherent in this discussion, as are related technical issues regarding variances.

### B. Analysis of Consistency with Cited Policies

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

#### 1. Neighborhood Compatibility

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<sup>2</sup> Note that these photo simulations are essentially the same, though shown from slightly different vantage points and at slightly different scales.



The LCP requires visual compatibility. For example, LCP Section 13.20.130(b)(1) states:

*Visual Compatibility. All new development shall be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*

The Appellants contend that the size and scale of the project is not compatible with neighboring development along Beach Drive. However, the proposed structure is the same general size and scale of development that is currently found along this part of Beach Drive. The visual simulations of the proposed structure show that it is similar in size and scale to those surrounding it.<sup>3</sup> Although it would be 22 feet tall and 2 stories when the LCP maximum is 17 feet and 1-story on the seaward side of the road (see variance findings on this point below), there are several homes along the seaward side of this part of Beach Drive that also are 2 stories and/or a similar height. In addition, on the inland side of Beach Drive, there are a series of 2 and 3 story residential structures significantly larger than that proposed that also provide neighborhood compatibility context; these larger structures on the inland side of the road are easily visible in the beach viewshed over the tops of the seaward-side homes (again, see project area photos in exhibit A, and see photos of individual existing homes on pages 18 through 24 of exhibit E).

The County found the project to be within the floor area ratio (FAR) and lot coverage limits for development in the RB district: FAR is 31% when 50% is the maximum allowed, coverage is 17% when 40% is the maximum allowed. Because the lot includes substantial area inland of the road, the County also calculated FAR and coverage as if the road right-of-way and inland bluff area were not part of the lot (to approximate the lot areas associated with most development along the beach side of Beach Drive that doesn't include lot area inland of the road).<sup>4</sup> Those calculations show the project to be less than 45% FAR and 25% coverage – still below the maximum allowed. See County report in exhibit C.

The County also indicates that the habitable space is within the established range for homes in this section of Beach Drive. The County estimates that habitable square footages range from 1,167 to 3,257 square feet, with an average of 2,260 square feet. In this case, 2,385 square feet of habitable space was approved. Again, see County report in exhibit C.

Likewise, the Applicant has prepared a series of comparisons of the proposed project when measured against the twenty closest homes along Beach Drive.<sup>5</sup> These comparisons corroborate the County findings and indicate that the proposed project is fairly average in terms of useable square feet, lot coverage, and setback from the beach. The comparisons also identify five other 2-story homes on the seaward side of the private portion of Beach Drive, 2 of which are taller than the proposed home and one about the same

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<sup>3</sup> See both the photo simulations prepared by the Applicant on pages 1 and 2 of exhibit E, and those prepared by the Appellants on pages 6 through 8 of exhibit D. Again, these photo simulations are essentially the same except that they are shown from slightly different vantage points and at slightly different scales.

<sup>4</sup> Although not technically the way these calculations are to be made per the LCP, this is informative to see how the development compares to the maximums allowed similarly situated properties along the seaward side of Beach Drive. Note that the County LCP allows for the sandy beach area within the lot lines, though not within the "buildable" portion of the site, to be used for calculating both FAR and coverage.

<sup>5</sup> See pages 12 through 17 of the Applicant's submittal in exhibit E. Note that the Applicant's comparisons have not been independently verified by Commission staff. That said, the comparisons appear to approximate what can be seen on the photos of the houses surrounding the subject site.



height. See exhibit E for the Applicant's project submittal.

In sum, the County-approved project is not atypical of the size and scale of development along this stretch of Beach Drive. The photos of the project site and the Applicant's photo simulations are particularly instructive on this point. The project is substantially consistent with neighboring development along Beach Drive and this issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

## 2. Visual Resources

In addition and related to the compatibility issues described above, the LCP protects the public viewshed, particularly along the shoreline. The LCP states:

***Objective 5.10.a Protection of Visual Resources.*** To identify, protect, and restore the aesthetic values of visual resources.

***Objective 5.10.b New Development in Visual Resource Areas.*** To ensure that new development is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.

***LUP Policy 5.10.2 Development Within Visual Resource Areas.*** Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....

***LUP Policy 5.10.3 Protection of Public Vistas.*** Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.

The Appellants contend that the approved project adversely impacts their (and other Beach Drive homeowners) private views, and would severely negatively impact the public view, particularly due to the second-story deck. The LCP does not protect private views. As a result, the private view portion of this contention does not raise a substantial issue. As to public views, they are limited in this case to the view of the site from the beach and offshore because Beach Drive is a private road.

The public beach and offshore viewshed at this location has long been defined (mostly pre-Coastal Act) by existing residential stock, seawalls, and rip-rap along Beach Drive, and by homes extending all along the top the bluff fronted in many cases by larger retaining structures (see exhibit A, and pages 18 through 26 of exhibit E). The homes along Beach Drive are relatively boxy and developed close together. At the project site area, there are multiple 2 and 3 story residential structures on the inland side of Beach Drive, and a series of 1 and 2 story structures on the seaward side. Rip-rap and seawalls front all of the homes, and many include large decks and other structures extending to the shoreline armoring. In other words, the public viewshed at this site has long been impacted by similar urban style development and is hardly pristine. It is against this backdrop that the project's viewshed impacts must be evaluated.





In this case, the approved project is infill development between two existing residences and inland of an existing seawall. Although it will incrementally add to the amount of development within the public viewshed, its impact would be less than significant within the scope of the existing view, including the structures visible on the inland side of the road over the roofline of the seaward homes (again, see exhibits A and E (pages 18 through 26), and photo-simulations in exhibits D (pages 6 through 8) and E (pages 1 and 2)). Its size and scale are not atypical for this stretch of Beach Drive, and it would occupy an area between the Appellants' two existing homes which would make it blend in somewhat with the existing developed back-beach aesthetic.

This issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

### 3. Variances

As noted, Beach Drive is located along the base of a coastal bluff and is in area subject to wave attack and storm surge. As a result, it is within the mapped floodplain. The County's LCP requires that the lowest habitable floor of development in the floodplain be elevated above the 100-year flood level, which has been set at 21 feet above mean sea level (msl) along Beach Drive. Structural elements below the 100-year flood level must be designed to allow flood waters to surge through; typically this is accomplished with caissons holding up the habitable space and break away walls that attach to and enclose the caissons.

Development along Beach Drive is also subject to landslides from the directly inland bluff, often requiring extraordinary engineering measures to address this hazard (such as heavy duty roof and foundation systems capable of withstanding the force of such a landslide).

In sum, all of Beach Drive, and development along it, is subject to geologic hazards from storms, flooding, and landsliding. The LCP requires new development to take these factors into account and ensure long-term stability. Habitable portions of structures must be above 21 feet msl, and anything below 21 feet msl must function as non-habitable expendable space.

The Appellants appear to contend that the variances in this case do not conform to the LCP. However, the LCP allows for variances to development standards in certain circumstances. LCP Section 13.10.230 (Variance Approvals) states:

*A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including design criteria and regulations for special uses...The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:*

- 1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*
- 2. That the granting of such variance will be in harmony with the general intent and purpose*



*of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.*

3. *That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.*

In this case, the maximum height in the RB district on the seaward side of the street is 17 feet, and the maximum number of stories is one.<sup>6</sup> The County approved a variance to allow a height of 22 feet and 2 stories. As detailed in the County's variance findings, the primary reason for this is that the required 100-year flood elevation makes it essentially impossible to have a residential use on the seaward side of Beach Drive that is one story or 17 feet in height maximum (see County variance findings on pages 17 through 19 of exhibit C).<sup>7</sup> Lacking specific development guidelines designed to address flood elevation (and other geologic hazard) requirements along Beach Drive, such a variance can be found appropriate<sup>8</sup> provided there are no other less environmentally damaging and/or more safe siting options available.

To complete this analysis, the County evaluated whether a residential structure could be constructed on the inland side of Beach Drive on the lot (note that the Appellants contend that this option was not given adequate consideration). The County concluded that although a residential structure could be sited on the inland side of Beach Drive (and meet the 2 story, 25 foot height limit that applies there), that that portion of the lot is steeply sloping (in excess of 50%) and would require significant bluff landform alteration if a residence were to be placed there. The County concluded that development on it would conflict with other LCP hazard policies, would place the structure in greater physical risk due to landslides in addition to flooding, and would cost significantly more due to the extraordinary engineering measures that would be necessary (again, see County variance findings in exhibit C).

Clearly there are geologic hazards that apply to the entirety of the subject site. Landslide issues are relatively higher on the inland side of Beach Drive, and storm flooding issues are relatively higher on the seaward side of the road. The County reasonably concluded that a residence sited on the seawall-armored portion of the lot (on the ocean side of the road) would be less environmentally damaging and subject to less geologic hazards than would a site on the inland side. Although the Appellants raise a valid issue regarding the "planning by variance" phenomena, the variances in this case are relatively minor and required to meet flood elevation requirements (see also substantial issue conclusion that follows). The

<sup>6</sup> Note that for the inland side of the street in the RB district, the maximum height is 25 feet, and the maximum number of stories is 2.

<sup>7</sup> Note that the 21 msl requirement is an absolute height in relation to sea level, whereas the 22-foot approved structure height is a relative height measured from the grade at the house site. In this case, the grade at the house site ranges from roughly +12 msl nearest the beach to +14 msl nearest the road. Thus, the 17-foot RB district height limitation translates into an absolute height ranging from +29 msl nearest the beach to +31 msl nearest the road (i.e., 17 feet above the elevation at the site that itself is at +12 to +14 msl). For the habitable portion of the structure to be developed above +21 msl but below +29 msl, it would have to be a maximum of 8 feet tall nearest the beach (and 10 feet tall nearest road). All structural floor support components, roof and roof support components, and any utilities (e.g., water, air, heating, etc.) would need to be within the 8 feet. With a uniform building code minimum of 7½ feet floor-to-ceiling, it is not possible to build a habitable space within an 8-foot limitation. In any case, note that the height variance is for an increase of 3 feet nearest the road (from +31 to +34 msl), and an increase of 5 feet nearest the beach (from +29 to +34 msl). In other words, the height increase requested and approved is not 5 feet across the lot, but rather a 5-foot maximum increase.

<sup>8</sup> See also substantial issue conclusion section that follows.



height and number of stories thus established are not incompatible with existing development along developed Beach Drive (see also preceding findings on this point).

This issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

### C. Substantial Issue Conclusion

The County-approved project is infill residential development that is not atypical from the existing Beach Drive character in size, scale, and design. The approved project is substantially consistent with neighboring development along Beach Drive, and would have an insignificant impact on the public viewshed. Thus, the Commission finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and declines to take jurisdiction over the coastal development permit for the project.

The real issue raised by the appeal is more general, and applies to the phenomenon of "planning by variance" identified by the Appellants. Beach Drive is a unique development area, being one of the few locations in the State where residential lots have been developed (pre-Coastal Act) on the beach. The RB district LCP requirements were developed to ensure that the public beach viewshed was not unduly marred by residential development on what was historically the beach. These standards limiting height and number of stories clearly reflect an attempt to maintain small-scale, beach cabin-type homes along the immediate shoreline.<sup>9</sup> In the time since the RB standards were certified, however, the LCP's geologic hazard requirements have changed to become more specific, and now require elevations that lead directly to conflicts with the RB maximum scale standards. As a result in recent years, projects along Beach Drive have included variances to address geologic hazard issues while still allowing development. Each variance, though, is different, and depends on any number of factors.

As opposed to continuing to process variances in each case, the County may wish to consider developing specific regulations applicable to Beach Drive that better harmonize both aesthetics and hazard considerations. Without such specific guidance, individual requests for variances, each to different maximum/minimums, can be expected in the future. Although in this case the infill project approved does not raise a substantial LCP conformance issue, compliance with LCP policies and directives for Beach Drive, and the effectiveness of them, can be difficult to measure when each case includes requests to vary established development standards. This will become even more critical as redevelopment of older structures increases in the future.

If recent projects are an indication, Beach Drive residential stock is increasing in size, particularly due to LCP flood elevation and landslide requirements. Over time, and on a cumulative basis, the mass of structures in the Beach Drive public viewshed is thus expected to increase, particularly those structures that are not currently flood elevated but will be required to be when they redevelop in the future. The increased massing could lead to a slow deterioration of LCP-protected visual resources. Without upper maximum mass standards that take into account LCP hazard issues, the absolute degree of the massing

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<sup>9</sup> Note that many Beach Drive residences pre-date RB district requirements and are legal non-conforming structures in this regard.



increase is unknown. Until specific design standards and policies are developed for Beach Drive, and in the drafting of them, the LCP read as a whole dictates that an appropriate balance must be achieved to allow for reasonable residential uses that also address hazard issues. That balance must, as the Beach Drive RB policies direct, be guided by the principal that Beach Drive be a small-scale community with a beach house aesthetic. Thus, the planning concept of minimizing mass increases to the absolute degree feasible (to allow for aesthetically-pleasing design, reasonable residential use, and protection from coastal hazards) governs.

